

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1 through 22 are pending in the application, Claims 17 through 22 having been newly added herewith. New claims 17-22 are fully supported by the specification. There is support for new Claims 17-22 in numerous places throughout the specification. For example, the Examiner's attention is directed to paragraph 33 for an example of support for new Claims 17-22.

The Examiner objected to terms such as "sufficient amount" and "sufficient electrical voltage" in Claims 1, 5, 9, 10, 11 and 12. Therefore, applicant has amended Claims 1, 5, 9, 10, 11 and 12 to remove such language to correct these informalities. The remaining amendments are to correct minor clerical errors.

The Examiner rejected Claims 1 through 16 under 35 U.S.C. § 102(e) as being anticipated by Yang et al. (US 2006/0134317). One of the co-inventors of the current application, and co-author of the cited reference, has submitted a Declaration under Rule 132 along with this amendment to overcome this rejection. As the Examiner noted, one of the inventors of the current application is also an inventor/author of the published application US 20006/0134317. To the extent that any material in the cited published application is material to the patentability of at least the independent claims of the current application, such material was provided by the current inventor Yang Yang. Therefore, the cited reference, to the extent that it is material to at least any of the independent claims of the current application, is not the work of another within the meaning of 35 U.S.C. § 102(e). Consequently, Yang et al. (US 2006/0134317) is not prior art against the

current application. Therefore, applicants respectfully request that the rejection of Claims 1 through 16 under 35 U.S.C. § 102(e) be withdrawn.

The Examiner rejected claims 1, 2, 4, 5, 6, 7, 8, 12, 13, 14 and 15 under 35 U.S.C. § 102(b) as being anticipated by Kobayashi et al. (6,600,473). The Examiner rejected Claims 9 through 11 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi et al. Claim 3 is not subject to a rejection based on Kobayashi et al. Applicant respectfully traverses these rejections for at least the following reasons.

Claim 1 is directed to an electrical bistable device that has first and second interface regions that can be electrically converted between a low resistance state and a high resistance state. Independent claim 12 is directed to a memory device that has a similar type of structure. Independent claim 5 is a method of making a bistable device such as that of Claim 1.

On the other hand, the Kobayashi et al. reference has nothing to do with an electrical bistable device. Kobayashi et al. discloses a photoconductive switching element (col. 6, l 32), not an electrical bistable device. The photoconductive switching element of Kobayashi et al. has a top charge generation layer 10, a bottom charge generation layer 14 with a charge transfer layer 12 sandwiched between the two charge generation layers 10, 14. Such a structure is formed on a transparent electrode layer 18, which in turn is on a transparent substrate 19. A second electrode 16 is in contact with the top charge generation layer of 10 (see Figure 1 of Kobayashi et al. and the related discussion and the specification). The charge generation layers 10 and 14 generate charge carriers and electrons when they are exposed to light. Nothing in Kobayashi et al. mentions whether these layers 10, 12, 14 are high or low conductivity materials or mixed high and low conductivity

materials. Furthermore, Kobayashi et al. says nothing at all about first interface and second interface structures, as recited in claims 1, 5 and 12. Such first and second interface structures are electrically convertible between a low-resistance state and a high-resistance state by application of an electrical voltage. There is absolutely no disclosure of any such structure in Kobayashi et al. This is clear since Kobayashi has nothing to do with an electrical bistable device. In particular, Kobayashi et al. is directed to a photoconductive switching element. A current is generated in the device of Kobayashi et al. when it is exposed to light. That has nothing to do with the current application. Since Claims 1 and 12 each recite an electrical bistable device that has such first and second interface structures, and Claim 5 recites forming such structures, applicant respectfully submits that all claims 1 through 16 are patentable over Kobayashi et al. and requests that the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) be withdrawn.

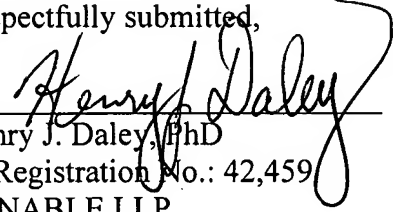
Applicant has addressed all of the examiner's objections and rejections and respectfully submits that the application is in condition for allowance.

Applicant's representative encourages the examiner to contact him at the below-noted number if it may help expedite the prosecution of this application.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: May 21, 2008

Respectfully submitted,

By 
Henry J. Daley, PhD
Registration No.: 42,459

VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998
(202) 344-4000
(202) 344-8300 (Fax)
Attorney/Agent For Applicant

#957146